

# **EXHIBIT 46**

Letter dated January 12, 1934 to Ethelbert Ward  
from William M. Kearney

512290

REPRODUCED FROM THE HOLDINGS OF THE NATIONAL ARCHIVES

WILLIAM M. KEARNEY,  
Attorney at Law,  
Reno, Nevada

January 12, 1934.

Mr. Ethelbert Ward,  
Special Assistant to  
the Attorney General,  
332 Post Office Bldg.,  
Denver, Colorado.

Re: U. S. vs. Walker River Irrigation District.

Dear Mr. Ward:

I have prepared a motion to submit to the court in the above-entitled case, requesting permission to re-open the matter for the sole purpose of offering in evidence certain proof with reference to the fact that the Bureau of Indian Affairs has applied for and received an appropriation for the construction of a reservoir at the Weber Reservoir site on the Walker River Indian Reservation and that the construction of the reservoir is now well under way, providing for 8,000 acre feet of additional storage for the Indian lands.

It has occurred to me that perhaps you would be willing to stipulate these facts without presenting the motion to re-open the suit in view of the fact that the congressional appropriation for the construction of this reservoir is a matter of which the court would probably take judicial notice anyhow. If such stipulation is agreeable, will you please advise me promptly?

With high personal regards, I am,

Yours very truly,

(Sgd)

W. M. KEARNEY

WMK:ME

CC: Mr. George L. Sanford  
Green & Lunsford  
Walker River Irrigation District.

(Copies sent by Ward to Attorney General,  
Mr. Nathan, Washington,  
Mr. Kronquist, Mr. Knox Patterson.

NARA00008315-1